

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SARAH SOAPE,

Plaintiff,

V.

MAXIMUS, INC.,

Defendant.

Case No. 6:23-cv-247-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Sarah Soape filed this lawsuit alleging violations of the Fair Labor Standards Act by Defendant Maximus, Inc. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Before the Court is the parties' joint motion for approval of settlement agreement and dismissal with prejudice. Docket No. 19. On October 13, 2023, Judge Mitchell issued a Report recommending that the Court deny the motion as to settlement approval and grant the parties' request to dismiss this case. Docket No. 22. No objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc),

superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 22) as the findings of this Court. The parties' motion (Docket No. 19) is **DENIED** as to the request for settlement approval. Further, the Court construes the parties' request for dismissal with prejudice as a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). It is therefore **ORDERED** that this case is **DISMISSED** with prejudice pursuant to the parties' stipulation.

So **ORDERED** and **SIGNED** this 1st day of November, 2023.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE